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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,781	12/05/2001	Harold J. Plourde JR.	A-7251	5868

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EXAMINER
JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No.	Applicant(s)	
	10/010,781	PLOURDE, HAROLD J.	
	Examiner	Art Unit	
	HEATHER R. JONES	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/5/01,6/12/02,11/24/03,5/8/06.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 10-16, 20-26, and 29-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuka (U.S. Patent 7,177,530).

Regarding claim **1**, Suzuka discloses a method for an application client to interface with a device driver in a client device with persistent storage, comprising the steps of: maintaining a data record for media content instances stored on a hard disk (col. 5, lines 39-40; col. 6, lines 40-42); commanding the device driver to provide normal play time locations of the media content instances for storage of the normal play time locations in the data record (Fig. 5; col. 7, lines 6-52); and using the normal play time locations to reference the media content instances stored in the clusters of the hard disk (col. 6, lines 40-48; col. 7, lines 6-52).

Regarding claim **2**, Suzuka discloses all the limitations as previously discussed with respect to claim 1 as well as the method further comprising the step of commanding the device driver to allocate a substantially constant size

portion of the hard disk for a buffer file for buffering the media content instances (Fig. 4 – internal buffer to be used is allocated (41-3)).

Regarding claim **3**, Suzuka discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as the method further comprising the steps of receiving, from the device driver, the normal play time locations corresponding to the buffer file, the media content instances of the buffer file, and the current write location, and storing the normal play time locations in the data record (Fig. 5; col. 7, lines 6-52).

Regarding claim **4**, Suzuka discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as the method further comprising the steps of receiving a user request to designate one of the media content instances of the buffer file as permanent and designating the requested media content instance as a permanent file (Fig. 7; col. 8, line 55 - col. 9, line 19).

Regarding claim **5**, Suzuka discloses all the limitations as previously discussed with respect to claims 1, 2, and 4 as well as the method further comprising the step of passing the normal play time locations, of the media content instance requested by the user, from the data record to the device driver in order to enable the device driver to locate the requested media content instance (Figs. 4 and 5).

Regarding claim **6**, Suzuka discloses all the limitations as previously discussed with respect to claims 1, 2, and 4 as well as the method further

comprising the steps of receiving, from the device driver, the normal play time locations corresponding to the permanent file and storing the normal play time locations in the data record (Figs. 4 and 5).

Regarding claim **7**, Suzuka discloses all the limitations as previously discussed with respect to claim 1 as well as the method further comprising the step of commanding the device driver to transition a read location from a buffer file to a permanent file when the normal play time location of the read location is no longer pointing to the clusters of the buffer file. (Figs. 4, 5, 7, and 9 – pointer updates).

Regarding claim **10**, Suzuka discloses a method for an application client to interface with a device driver in a client device with persistent storage, comprising the steps of: using normal play time locations to reference media content instances of a buffer file stored in clusters of a hard disk (Fig. 5; col. 7, lines 6-52); and designating one of the referenced media content instances of the buffer file as a permanent file (Fig. 7; col. 8, line 55 - col. 9, line 19).

Regarding claims **11-16**, grounds for rejecting claims 2-7 apply for claims 11-16 in their entireties.

Regarding claims **20-26**, these are system claims corresponding to the method claims 1-7. Therefore, claims 20-26 are analyzed and rejected as previously discussed with respect to claims 1-7.

Regarding claims **29-35** these are system claims corresponding to the method claims 10-16. Therefore, claims 29-35 are analyzed and rejected as previously discussed with respect to claims 10-16.

3. Claims 8, 9, 17, 18, 27, 28, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuka as applied to claim 1 above, and further in view of Look et al. (U.S. Patent 6,757,906).

Regarding claim **8**, Suzuka discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose the method further comprises the steps of storing in the data record real-time start and stop time values of the media content instances, wherein the real-time start and stop time values are retrieved from a media content instance guide database, and using the stop time values to determine the stop times of the media content instances.

Referring to the Look et al. reference, Look et al. discloses a method comprising the steps of storing in the data record real-time start and stop time values of the media content instances, wherein the real-time start and stop time values are retrieved from a media content instance guide database, and using the stop time values to determine the stop times of the media content instances (Fig. 18 – see real-time showing as well as duration in the program's information, which is recorded along with the program data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the real-time information along with the program data as disclosed by Look et al. in the method disclosed by

Suzuka in order to allow the user to easily recognize the program according to the original air time of the program.

Regarding claim **9**, Suzuka discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose the method further comprises the steps of receiving and storing in the data record real-time start and stop buffering times and real-time permanent recording times provided by an operating system.

Referring to the Look et al. reference, Look et al. discloses a method comprising the steps of receiving and storing in the data record real-time start and stop buffering times and real-time permanent recording times provided by an operating system (Fig. 18 – see real-time showing as well as duration in the program's information, which is recorded along with the program data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the real-time information along with the program data as disclosed by Look et al. in the method disclosed by Suzuka in order to allow the user to easily recognize the program according to the original air time of the program.

Regarding claims **17** and **18**, grounds for rejecting claims 8 and 9 apply for claims 17 and 18 in their entireties.

Regarding claims **27** and **28**, these are system claims corresponding to the method claims 8 and 9. Therefore, claims 27 and 28 are analyzed and rejected as previously discussed with respect to claims 8 and 9.

Regarding claims **36** and **37**, these are system claims corresponding to the method claims 17 and 18. Therefore, claims 36 and 37 are analyzed and rejected as previously discussed with respect to claims 17 and 18.

4. Claims 19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuka (U.S. Patent 7,177,530) in view of Look et al. (U.S. Patent 6,757,906).

Regarding claim **19**, Suzuka discloses a method for an application client to interface with a device driver in a client device with persistent storage, comprising the steps of: commanding the device driver to allocate a substantially constant size portion of a hard disk for a buffer file for buffering media content instances (Fig. 4 - internal buffer to be used is allocated (41-3)); maintaining a data record for the media content instances stored in clusters of the buffer file (col. 5, line s39-40; col. 6, lines 40-42); commanding the device driver to provide normal play time locations of the media content instances corresponding to the buffer file, the media content instances of the buffer file, and the current write location (Fig. 5; col. 7, lines 6-52); receiving, from the device driver, the normal play time locations of the media content instances corresponding to the buffer file, the media content instances of the buffer file, and the current write location; storing the normal play time locations in the data record (Fig. 5; col. 7, lines 6-52); receiving a user request to designate one of the media content instances of the buffer file as permanent and designating the requested media content instance as a permanent file (Fig. 7; col. 8, line 55 - col. 9, line 19); passing the normal play time locations, of the media content instance requested by the user,

from the data record to the device driver in order to enable the device driver to locate the requested media content instance (Figs. 4 and 5); and designating the identified media content instance as a permanent recording file (Fig. 7). However, Suzuka fails to disclose storing in the data record real-time start and stop time values of the media content instances, wherein the real-time start and stop time values are retrieved from a media content instance guide database, and using the stop time values to determine the stop times of the media content instances.

Referring to the Look et al. reference, Look et al. discloses a method comprising storing in the data record real-time start and stop time values of the media content instances, wherein the real-time start and stop time values are retrieved from a media content instance guide database, and using the stop time values to determine the stop times of the media content instances (Fig. 18 – see real-time showing as well as duration in the program's information, which is recorded along with the program data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the real-time information along with the program data as disclosed by Look et al. in the method disclosed by Suzuka in order to allow the user to easily recognize the program according to the original air time of the program.

Regarding claim **38**, this is a system claim corresponding to the method claim 19. Therefore, claim 38 is analyzed and rejected as previously discussed with respect to claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/ Heather R Jones

Supervisory Patent Examiner, Art Unit 2623

Examiner
Art Unit 2621

HRJ
August 1, 2008